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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,785	06/23/2003	Mark J. Radcliffe	303016.01	9508

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MICROSOFT CORPORATION
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EXAMINER
TRAN, MYLINH T

ART UNIT	PAPER NUMBER
2179	

NOTIFICATION DATE	DELIVERY MODE
06/25/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/601,785	RADCLIFFE ET AL.
	Examiner	Art Unit	
	MYLINH TRAN	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 March 2009</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>14,16-23 and 25-54</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>14, 16-23, 25-54</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   **Office Action Summary**   Part of Paper No./Mail Date 20090619

DETAILED ACTION

Applicant's request filed 03/19/09 has been entered and carefully considered.

However, arguments regarding rejection under 35.U.S.C 102 to claims (14, 16-

23, 25-54) have not been found to be persuasive. Therefore, these claims are

rejected under the same ground of rejection as set forth in the office action

mailed (01/26/09).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United
States only if the international application designated the United States and was published under
Article 21(2) of such treaty in the English language.

Claims 14, 16-23, 25-54 are rejected under 35 U.S.C. 102(e) as being

anticipated by Stevenson et al. [us. 2004/0236864].

As to claims 14, 27, 37, 41 and 54, Stevenson et al. teaches a

computer implemented method and corresponding apparatus for receiving a

request for media data at a media access server (a software module) from a

media access (page 2, 0012, media source) configured as module executable

on the computer to provide a media selection mechanism to a plurality of said media access clients (pages 1-2, 0010- 0011); identifying one or more stored media items by the media access server (page 2, 0014); identifying one or more stored media lists by the media access server (page 2,0014, media type);

Identifying one or more media devices coupled to the computer by the media access server and aggregating and categorizing information regarding the one or more stored media items and the one or more stored media lists and the one or more media devices by the media access server the media access client that are local to the computer (page 2, 0013-0014); receiving information regarding one or more media devices by the media access client from the media access server, wherein the media selection mechanism of the media access server is configured to provide information regarding the one or more media device to a plurality of skid media access clients (0010-0011); categorizing the information regarding the one or more media items and the one or more media devices by the media access client (0010); generating a user interface containing the categorized information by the user interface generator (0013); aggregating and categorizing information regarding the one or more stored media items and the one or more stored media lists and the one or more media devices by the media access server and displaying the aggregated and categorized information in a consistent manner by the plurality of said media access clients, one to another, using a common user interface (pages 1-2, 0010-0013).

As to claim 53, Stevenson also teaches categorizing the information regarding the one or more stored media items and the one or more stored media lists (page 1, 0010, 0081).

As to claims 16 and 34, Stevenson teaches the one or more stored media items including audio files (0010).

As to claims 17 and 35, Stevenson also teaches the one or more stored media items including video files (0010).

As to claims 18 and 36, Stevenson further teaches the one or more stored media items including streaming media links (0010).

As to claims 19 and 49, Stevenson teaches the one or more stored media lists including lists of audio files arranged by audio file artist (0048).

As to claims 20 and 50, Stevenson also teaches the one or more stored media lists including lists of audio files arranged by an album associated with the each audio file (0048)"

As to claims 21 and 51, Stevenson teaches the one or more stored media lists including lists of audio files arranged by a genre associated with the each audio file (0047).

As to claims 22 and 30, Stevenson also teaches identifying one or more stored playlists (0040); and providing information regarding the one or more stored playlists to the media access client (0040).

As to claim 23, Stevenson teaches the one or more stored playlists being user-specified playlists (0048).

As to claim 25, Stevenson teaches the one or more media devices being CD Players (0089).

As to claim 26, Stevenson teaches the one or more media devices being DVD players (0004).

As to claims 28, 29 and 47, the claims are analyzed as previously discuss with respect to claims 14 and 15.

As to claim 31, Stevenson also teaches receiving a user selection entered through the user interface (0013), wherein the user selection has an associated operation (0013); and communicating the associated operation to a media access server (0013).

As to claim 32, Stevenson teaches the media access server performing the associated operation (0013).

As to claim 33, Stevenson also teaches the associated operation being playing a media item (0011).

As to claim 38, the claim is analyzed as previously discuss with respect to claims 14 and 24.

As to claim 39, Stevenson teaches receiving a request to perform an operation from the media access client; and performing the requested operation (0013).

As to claim 40, Stevenson also teaches performing the requested operation including playing a media item (0011).

As to claims 42, 44, Stevenson also teaches a first user interface generator coupled to the first media access client, wherein the first user

interface generator generates a first user interface based on information received from the first media access client (0011); and a second user interface generator coupled to the second media access client, wherein the second user interface generator generates a second user interface based on information received from the second media access client (0011).

As to claim 43, Stevenson teaches a user interface generator coupled to the first media access client; wherein the user interface generator is configured to generate a user interface having the information regarding the identified media items (0012-0013).

As to claim 45, Stevenson teaches the first user interface including information regarding media items stored in the media database (0013). As to claim 46, Stevenson also teaches the first user interface including information regarding media files stored in the media database, media lists stored in the media database, and information regarding the first media device 0011-0013).

As to claim 48, Stevenson teaches means for generating a user interface containing information related to the at least one media item, at least one media list, and at least one media device (0011-0013).

As to claim 52, the claim is analyzed as previously discuss with respect to claims 14 and 15.

Response to Arguments

Applicant has argued that Stevenson fails to teach the feature of "identifying one or more stored media lists". However, as disclosed in paragraph 0014, the applicant's attention is directed to the cited lines "Each of the plurality of coded remote interfaces generates an identifier, with the identifier invoking a set of media preferences...the set of media preferences may include a user selectable preference among media content stored on the computer....". "The set of media...." is considered as the media lists being claimed.

Applicant has argued that Stevenson fails to teach the feature of "aggregating and categorizing information". However, the prior art teaches the set of media preferences which is aggregated and categorized into the set. The applicant's attention is directed to the cited lines "A set of media preferences associated with an identifier allows for selectable access to media content" (abstract) and "Identifier codes associated with user interface controls invoke a set of media preferences to control access to types or categories of media selections available at the remote locations" (0010).

Applicant has argued that Stevenson fails to teach or suggest identifying media devices. However, Stevenson discloses at the abstract "A communications hub receives the media signal and transmits the media selection for play on a remote media device. A receiver configured to communicate with the communications hub and with the remote media device receives the media selection and communicates the media selection to the remote media device for play. A set of media preferences associated with an identifier allows for

selectable access to media content. A plurality of remote interfaces each can

be coded for generating an identifier, whereby using a particular remote

interface invokes a set of media preferences". It is clear that Stevenson teaches

the step of identifying media devices.

Applicant argued that Stevenson fails to teach aggregates and categorizes

information regarding the identified media items. Howver, Stevenson cites at

the abstract, Thus, the computer can act as a media server to send pictures or

videos to televisions, or to send music to stereos or other audio-capable

devices. Identifier codes associated with user interface controls invoke a set of

media preferences to control access to types or categories of media selections

available at the remote locations.

Applicant has argued that Stevenson does not disclose the step of providing

media content from a computer to media devices at locations remote from the

computer. However, Applicant is corrected that the media devices at locations

remote from the computer. However, both the media access client and the

media access server are the software modules of the computer system.

Applicant's attention is directed to page 2, 0011, cites "A software module for

storage on a computer and operable by the computer is provided to receive a

media request for a media selection from a media source including video and

audio data. The software module also is operable to retrieve the media

selection in response to the media request, and to cause the computer to

generate a media signal conveying the media selection." The software module

is considered as "the media access server" as claimed. "A media request for a

media selection" is considered as "the media access client" as claimed.

The software module and the media request for a media selection are local to

the computer system. The media access server which is stored media

information is the software module of the computer system. The media access

client which is received request the media information from users is a software

module as well.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then

the shortened statutory period will expire on the date the advisory action is mailed,

and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the

mailing date of the advisory action. In no event, however, will the statutory period

for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

Art Unit 2179

/Weilun Lo/

Supervisory Patent Examiner, Art Unit 2179